IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO. 1614 OF 2005

WITH

FIRST APPEAL NO. 580 OF 2004

BHIKU JAGANNATH KHADE & ORS. ... APPLICANTS

Versus

Sou. TARABAI NAMDEO PINGALE & ANR... RESPONDENTS

Mr. A. B. Avhad for applicants

Mr. J. S. Deo for R

CORAM:-SMT. RANJANA DESAI, J.

DATED:-17-2-2005

P.C.

Heard learned counsel for the parties.

Pending the hearing and final disposal of the appeal impugned

order to the extent to which it directs the defendants to delliver the vacant and peaceful possessionof the suit properties described in plaint para 1(a) to the extent of half share of the plaintiffs and the entire possession of the suit property described in plaint para 1(b) to the plaintiffs shall remain stayed. However, the defendants shall not sell, alienate or encumber the suit properties or create third party interest or induct any person therein. So far as the mesne profit enquiry is concerned, the same is, however, not stayed but the final conclusion of the enquiry would obviously abide by the decision of this first appeal. Appeal expedited.